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SMITHKLINE BEECHAM CORPORATION d/b/a
7 GLAXOSMITHKLINE

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 RONALD T. HAMMER
13 REPRESENTATIVE OF THE ESTATE
14 OF RETHA M. SPAIN (DECEASED),

15 Plaintiff,

16 v.

17 SMITHKLINE BEECHAM
CORPORATION d/b/a
18 GLAXOSMITHKLINE and MCKESSON
CORPORATION,

19 Defendants.
20

CV 08 3394
Case No.

NOTICE OF PENDENCY OF OTHER
ACTION OR PROCEEDING
[CIV. L.R. 3-13]

21 Pursuant to Civil L.R. 3-13, defendant SMITHKLINE BEECHAM CORPORATION
22 d/b/a GLAXOSMITHKLINE ("GSK") submits the following Notice of Pendency of Other
23 Action or Proceeding:

24 On October 16, 2007, the Judicial Panel on Multidistrict Litigation ("JPML") created
25 MDL 1871, *In re Avandia Marketing, Sales Practices and Products Liability Litigation*, directing
26 that then-pending Avandia®-related cases be transferred and coordinated for pretrial proceedings
27 in the United States District Court for the Eastern District of Pennsylvania, before the Honorable
28 Cynthia M. Rufe, pursuant to 28 U.S.C. §1407. To date, over 300 cases have been transferred to

MDL 1871, and transfers of additional "tag-along" actions are pending. GSK seeks the transfer of this action to MDL 1871. Pursuant to Civil L.R. 3-13, GSK therefore respectfully requests that this Court stay this action, pending a decision on transfer by the JPML, to achieve judicial economies that underlie 28 U.S.C. Section 1407 (Multi-District Litigation Procedures) and to avoid conflicts, conserve judicial resources, and promote an efficient determination of the action.

Please take note that, in addition to MDL 1871, the following state court actions also allege marketing, sales practice and/or product liability claims against SMITHKLINE BEECHAM CORPORATION d/b/a GLAXOSMITHKLINE, related to the use of the prescription drug Avandia®:

1. *Albert, Henry Jr. v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, Case No. 080501378;
2. *Arendall, Michael v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, Case No. 080501383;
3. *Bane, June v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons only);
4. *Barnes, Sydney, Barnes, Sue Ellen v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons only);
5. *Bosak, Kenneth, Bosak, Patricia v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 000521;
6. *Bryant, Louis v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, Case No. 080501379;
7. *Burford, Karen v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons only);
8. *Carrassquillo, Jose v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons only);
9. *Cearley, Travis v. SmithKline Beecham Corporation, GlaxoSmithKline, and SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court of Common Pleas,

1 Philadelphia County, No. 003877;

2 10. *Cummings, William; Cummings, Marian v. SmithKline Beecham*
3 *Corporation d/b/a GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, Case
4 No. 080602214;

5 11. *Fabyankovic, Janet v. SmithKline Beecham Corporation, McKesson*
6 *Corporation and Does 1 through 15*, Superior Court for the State of California, San
7 Francisco County, No. 08-471571;

8 12. *Fox, Deana v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*,
9 Court of Common Pleas, Philadelphia County (Writ of Summons only);

10 13. *Frensky, Richard v. SmithKline Beecham Corporation d/b/a*
11 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons only);

12 14. *Gallagher, Phillip; Gallagher, Betty v. SmithKline Beecham Corporation*
13 *d/b/a GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons
14 only);

15 15. *Garcia, Yolanda v. SmithKline Beecham Corporation d/b/a*
16 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 001967;

17 16. *Greer, Betty, individually and as Administrator of the Estate of Ernest*
18 *Greer v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court of Common
19 Pleas, Philadelphia County, Case No. 080501233;

20 17. *Hall, Charles, Hall, Susan v. SmithKline Beecham Corporation d/b/a*
21 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 002712;

22 18. *Kelley, Terry v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*,
23 Court of Common Pleas, Philadelphia County, No. 004390;

24 19. *Kelly, Joseph v. SmithKline Beecham Corporation, GlaxoSmithKline, and*
25 *SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Supreme Court of the State of
26 New York, Erie County, No. 12007-11066;

27 20. *Kennedy, Karen v. SmithKline Beecham Corporation d/b/a*
28 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 00391;

- 1 21. *Killinger, Cheryl v. SmithKline Beecham Corporation d/b/a*
2 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons only);
- 3 22. *Kozar, Agnes, Kozar, Francis A. (Estate of) v. GlaxoSmithKline, PLC*, Court
4 of Common Pleas, Philadelphia County, No. 004897;
- 5 23. *Lipski, Henry v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*,
6 Court of Common Pleas, Philadelphia County, No. 002966;
- 7 24. *Long, Barbara v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*,
8 Court of Common Pleas, Philadelphia County (Writ of Summons only);
- 9 25. *Martinez, Cornelio, et al. v. SmithKline Beecham Corporation d/b/a*
10 *GlaxoSmithKline*, New Mexico First Judicial District, Rio Arriba County, Case No. not
11 yet assigned;
- 12 26. *Massey, Barbara v. SmithKline Beecham Corporation d/b/a*
13 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons only);
- 14 27. *Mauro, Betty v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*,
15 Court of Common Pleas, Philadelphia County, No. 001141;
- 16 28. *McClure, Benjamin, McClure, Susan v. SmithKline Beecham Corp. d/b/a*
17 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 004431;
- 18 29. *Moon, Charles v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*,
19 Court of Common Pleas, Philadelphia County (Writ of Summons only);
- 20 30. *Newcomb, Wilbert v. SmithKline Beecham Corporation d/b/a*
21 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, Case No. not yet
22 assigned;
- 23 31. *Parks, Josephine v. SmithKline Beecham Corporation, et al.*, Court of
24 Common Pleas, Philadelphia County, No. 001670;
- 25 32. *Perrenot, Preston v. SmithKline Beecham Corporation d/b/a*
26 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 002454;
- 27 33. *Powell, Vincent v. SmithKline Beecham Corporation d/b/a*
28 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons only);

1 34. *Richmond, Fred v. SmithKline Beecham Corporation d/b/a*
2 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, Case No. not yet
3 assigned;

4 35. *Scardino, John Jr. v. SmithKline Beecham Corporation d/b/a*
5 *GlaxoSmithKline, et al.*, Supreme Court of New York, Erie County, Case No. I2008/3997;

6 36. *Schreffler, Frank v. SmithKline Beecham Corporation d/b/a*
7 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons only);

8 37. *Self, Joe v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court
9 of Common Pleas, Philadelphia County, No. 002457;

10 38. *Smith, John Jr. v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*,
11 Court of Common Pleas, Philadelphia County (Writ of Summons only);

12 39. *Tartack, Nancy, Tartack, Louis v. SmithKline Beecham Corporation*,
13 *GlaxoSmithKline, and SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court of
14 Common Pleas, Philadelphia County, No. 004010;

15 40. *Thomas, Samuel, Thomas, Ruth Ann v. SmithKline Beecham Corporation*
16 *d/b/a GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 002483;

17 41. *Walker, Juliet v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*,
18 Court of Common Pleas, Philadelphia County, No. 001054;

19 42. *Walls, Stephen v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*,
20 Court of Common Pleas, Philadelphia County (Writ of Summons only);

21 43. *White, Glenn v. SmithKline Beecham Corp., GlaxoSmithKline, and*
22 *SmithKline Beecham Corp. d/b/a GlaxoSmithKline*, Court of Common Pleas, Philadelphia
23 County, No. 003674;

24 44. *Wright, Michelle v. SmithKline Beecham Corporation d/b/a*
25 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons only);

26 45. *Yeager, Elizabeth, et al. v. SmithKline Beecham Corporation*,
27 *GlaxoSmithKline, and SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court of
28 Common Pleas, Philadelphia County, No. 004055;

1 46. *Yogus, William, Yogus, Barbara v. SmithKline Beecham Corporation d/b/a*
2 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 003669; and

3 47. *Yubeta, George v. SmithKline Beecham Corporation d/b/a*
4 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 000466.
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7 Dated: July 14, 2008

DRINKER BIDDLE & REATH LLP

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9 By: 

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Attorneys for Defendant
SMITHKLINE BEECHAM
CORPORATION d/b/a
GLAXOSMITHKLINE
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